

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	CIVIL NO. 05-10528 RCL
DENISE M. BARRY and)	
JANE B. GREEN,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
ROBERT J. MORAN; et al.,)	
)	
Defendants.)	
_____)	

AFFIDAVIT OF DENISE BARRY
IN SUPPORT OF MOTION TO COMPEL DEPOSITIONS

I, Denise Barry, hereby make the following assertions upon the pains and penalties of perjury, and upon personal knowledge unless otherwise indicated:

1. Deputy Chief Peter Laizza was the Chief of Personnel for approximately three years in and around 1998.
2. Deputy Chief Laizza was well aware of the politics when he was the Chief of Personnel.
3. Deputy Chief Laizza expressed his strong dislike of the dirty politics and the pick and choose situations.
4. I along with many other civilians went to him to complain because there was no HR Director so a lot of people shared their stories and problems with him.
5. Chief Laizza also has direct knowledge of how the claims of the current plaintiffs would relate to the typical pattern and practice because he has been privy to the meetings related to actions against me and Jane Green. For example, on or about 7 September 2004, Chief

Laizza called me and told me that he thinks Bob Moran is retaliating against me already. I said, "what are you talking about?" He said, "Bob just called over here and asked all kinds of questions about Jane Green and Carol Connors' positions."

6. Another incident in which Deputy Chief Laizza is aware would make him an invaluable source of information as the pattern and practice of the City political affiliation discrimination and retaliation claims. On 21 December 2004, Chief Laizza came into the Training Division's back door at around 9:00 as always. He was over at Jane's desk and he apologized to her for what was going on and stated, "I don't want to be in the middle of this Jane". She said, "I understand Peter".

He walked over to my desk and said "Chief Hitchcock called him and asked him why Jane Green wasn't over at 1010 Mass Ave this morning?" Peter said, "her lawyer wants it in writing." Peter said Chief Hitchcock's response was "fuck Jane Green and her lawyer." Chief Laizza and Chief Granara went up to the Deputy's meeting. Peter came back to me and said how crazy is this. At the end of the meeting Chief Hitchcock stated, "there are rumors going around about Bob Moran, so if anyone has any comments or complaints regarding Bob please feel free to speak". Peter said, "no one said anything".

He said that Chief Hitchcock called him back later in the day and told him that the Commissioner wanted to speak to him. Peter said, "that he turned back in traffic". Peter said, "when I was entering the Commissioner's office, Joe Finn was coming out". He went into the Commissioner's office, the Commissioner, Chief Hitchcock, and Bob Moran were all sitting there. They asked Peter if he told Jane to report to 1010 Mass. Ave., he said, "Yes, I did." Chief Laizza stated "to all of them that not only does Jane's Union want it in writing, but her lawyer too, before she moves." Peter said, "that he let them

know that this is pure retaliation and he will not be a part of it.” Peter said “the Commissioner said, “I want Jane Green out of this building, no ifs, and, or buts about it”. Peter said he stated to all of them that he was not putting it in writing and if they want her moved that they should write it themselves”. Peter said he stated that this looks like retaliation to me. The Commissioner responded “you’re not a fucking lawyer”. Peter said he told the Commissioner “I didn’t say that I was a fucking lawyer, I am just telling you that I know the laws from working in Personnel, and retaliation is serious”. Peter said that he mentioned when subpoenas go out that he is not going under the bus.” He said the Commissioner said, “what are you talking about?” Peter said that he stated, “you’re doing this because Denise has a case against Bob and Jane is one of her witnesses”. He said, the Commissioner said, “what case are you talking about?” Peter said “Denise’s case!” He said the Commissioner looked around at Chief Hitchcock and Bob Moran and they both stated that they didn’t know anything about a case.” Peter said, “Denise, I know that they know, and they are playing dumb, but I just wanted to get out of there.” Peter said “on his way out of the Commissioner’s office Bob Moran said “hey Peter what do you think? This is the start of getting rid of Jane Green”. Peter said that he was appalled that Moran would make a statement like that.

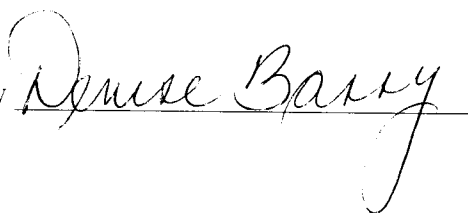
7. Mary Kilgallen, since July 2001, was Bob Moran's assistant and the product of the pattern and practice of political hirings.
8. As Moran’s assistant, moreover, whenever you went into Moran’s office for anything Bob Moran always had Mary sit in the room so she is witnessed much of the day to day practice of that office..

9. Mary Kilgallen sat in on conversations, meetings and interviews so I think Mary can share some good information with us.
10. Maryann Creedon (McHugo) has been a supervisor ever since she was politically installed.
11. MCHugo also sat in on just about every conversation, meeting, and interviews for each job position, and thus also shared a lot of correspondence with Bob Moran and the rest of Defendants considering she was the supervisor of most of the girls in the case.
12. After I started complaining about the most recent problems, Mary Ann MCHugo told me that Bob Moran called her and told her that if Kay MacMillan or I put it for a certain position to hire whichever one applied". I stated, "this is what I am fighting against, people being hand picked for positions, it is not fair."

SIGNED AND SWORN TO UNDER THE PAINS AND PENALTIES OF PERJURY

THIS 30TH DAY OF APRIL 2007 BY:

Denise Barry

A handwritten signature in cursive script, reading "Denise Barry", written over a horizontal line.